

FARMINGTON CITY PLANNING COMMISSION MEETING

Tuesday, August 11, 2009

PLANNING COMMISSION STUDY/WORK SESSION

Present: Chairman John Bilton, Commission members Steve Andersen, Rick Draper, Randy Hillier, Craig Kartchner, Michael Wagstaff and Jim Young, City Manager Max Forbush, City Planner David Petersen, Assistant City Planner Glenn Symes, and Recording Secretary Cynthia DeCoursey.

Also in attendance: Scott Later and John Shuttleworth from EDA Architects, Nate Shipp from DAI, Tammy North from CRS Engineers, and Jeff Montgomery and Spencer White from Element.

Chairman Bilton began the work session at 6:35 p.m. He asked staff to begin the discussion.

(Agenda Item #6) - Young Electric Sign Co. (YESCO) – (Public Hearing) – Applicant is requesting approval of a special exception for the alteration of two existing billboards located on the northwest corner of the Farmington Junior High property located at 150 South 200 West and on property adjacent to I-15 at approximately 350 West 200 South (M-10-09)

David Petersen gave a brief background of this request. There was discussion among the Commission regarding the appropriate action for the City to take regarding this item.

(Agenda Item #1) - Approval of Minutes

There were two corrections to the minutes of the July 30, 2009 Planning Commission meeting:

1. p. 3: under the **Motion** heading, condition #2, the word “temporary” should be inserted for the word “political”.
2. p. 4: under the **Motion** heading, “Thursday, August 11, 2009” should be changed to Tuesday, August 11, 2009.

David Petersen said Planning Commission member **Geoff Butler** was laid off from his job several weeks ago. He found a new job which required a move to Oklahoma.

PLANNING COMMISSION REGULAR SESSION

Present: Chairman John Bilton, Commission members Steve Andersen, Rick Draper, Randy Hillier, Craig Kartchner, Michael Wagstaff and Jim Young, City Planner David Petersen, Assistant City Planner Glenn Symes, City Attorney Todd Godfrey and Recording Secretary Cynthia DeCoursey

Also in attendance: Scott Later and, John Shuttleworth--EDA Architects, Nate Shipp--DAI, Tammy North--CRS Engineers, and Jeff Montgomery and Spencer White—Element Design

Chairman Bilton opened the meeting at 7:00 p.m. and welcomed those in attendance. **Craig Kartchner** offered the invocation.

Approval of Minutes - (Agenda Item #1)

Motion

Rick Draper made a motion to approve the minutes of the July 30, 2009 Planning Commission Meeting with the two changes mentioned in the work session. **Jim Young** seconded the motion, and it was approved by Commissioners **Andersen, Draper, Hillier, Kartchner, and Young**. **Michael Wagstaff** abstained because he did not attend the meeting.

City Council Report - (Agenda Item #2)

Glenn Symes reported on the following items from the City Council's August 4, 2009 meeting:

1. The plat amendment and approval of a 3-lot subdivision in Oakridge Farms was approved by the City Council.
2. The City Council agreed with the changes suggested by the Planning Commission, and they will hear the item again in their meeting on Tuesday, August 18, 2009.
3. The proposal for the 25-lot subdivision in Farmington Meadows Phase II was approved.
4. The City Council also discussed the architectural plans of the Village at Old Farm. They had some of the same concerns as the Planning Commission, and staff is expecting a plat in the near future.

Chairman Bilton said he appreciated those who were at the meeting. He told the public about the sign-up sheets and asked each person to limit their comments to 3 minutes.

DAI – (Public Hearing) – Applicant is requesting a recommendation of approval for an amendment to the Preliminary and Final PUD Master Plan for The Grove (formerly Palmer Estates) subdivision and the associated Final Plat. The proposed amendment would increase the overall number of units to 28 from the 18 originally approved (S-17-06). (Agenda Item #3)

Background Information

Glenn Symes said the applicant is requesting approval for 28 units on approximately 10 acres which is nine more units than they originally requested. He said the lots are no longer intended to be estate lots, but this alternative will be an upscale private development. The proposed amendment is legal within the current zoning regulations. He referred to the map and said the open space requirements have been met. The homes will be single family detached. He said the developers have worked with the Historic Preservation Commission regarding the Hector C. Haight home.

Nate Shipp, representative from DAI, 1099 W. South Jordan Parkway, said because of the change in the real estate market, their company has been forced to change their original plans. He believes the new plan encompasses their original intent and is within the specified requirements. They are committed to issues such as open space, existing trees, the Hector C. Haight home, and most of the original elements of this project.

Spencer White, Element Design, 1308 South 1700 East, Salt Lake City, gave a power point presentation and discussed the following items:

- Current zoning of OTR and B (Buffer) allows for the 28-unit density
- Palmer home will remain in its current location
- Preservation of Haight home
- Farmington Creek trail connection
- Proposed pool and park amenities will be maintained by the HOA
- 20% of the project (1.91 acres) will remain as open space and will be deeded to Farmington City
- Dedicated road easement
- Additional parking
- Architectural variations: 3 different elevations and floor plans; various color schemes
- Lot sizes will be 11,000-12,000 square feet; 2.95 units per acre
- Traffic analysis results showed that an additional nine units did not add more stress on area traffic

Public Hearing Opened

Chairman Bilton opened the public hearing at 7:30 p.m.

Tom Owens, 700 Rock Mill Lane, said he owns property near The Grove. He is not in favor of development, and he did not want anything built on this property. However, he knows it is inevitable, and he would like the control to remain with the City and the current developers. He has been impressed with the developers--they have been reasonable to work with and are trying to preserve Farmington, which is very important, especially on Main Street. He preferred their initial proposal, but he thinks this is a reasonable alternative because they are not in violation of the zoning ordinances. He does not want to see a bank obtain control of the development.

Curt Draper, 547 North Main, said his home is located adjacent to The Grove property. He is adamantly against the proposal of 28 lots. He said they have been told many mistruths—residents were told it would be a gated community. He wondered how 60-80 more vehicles and emergency vehicles could be accommodated on a one-way street. He said the density does not match anything in the area, and he asked the Commission to deny the request.

Dena Scoville, 453 N. Main, said she bought her home in 1983 and has raised five children in Farmington. She said there is a lot of traffic on Main Street, and she is against having 28 homes built on this property.

Don Hadden, 12 East 600 North, said it looks like a nice project, but he is concerned about the density. He lives on the hill above the property, and the traffic volume is high. He believes approval of this

request will have an adverse affect on the property to the north. He suggested a compromise with fewer additional units.

John Bradshaw, 259 East 100 North, said his property's entrance is directly north of the entrance to The Grove. He does not agree with the 30% increase in density. He asked the Commission to make their decision in the best interest of Farmington as a whole.

Chris Anderson, 479 North Main, thought the original proposal with large lots was a good request, but he does not approve of the new proposal and asked that the Commission deny approval.

Nola Nielsen, 607 North Main, said she has been a property owner in Farmington for 20 years. They left a Clearfield subdivision because they wanted to live with a higher class of people. She said the traffic is awful, and she is not in favor of this request for higher density.

Karen Davis, 180 West 600 North, lives across the street from The Grove. She said both traffic and parking are big issues. She does not agree with the traffic analysis and is against the proposal.

Joe Judd, 108 West 600 North, is concerned that approval of this project would set a precedent for future proposals. He questioned the proposed trail and asked how the community would benefit from a private trail. He does not want the higher density but said he would approve this plan rather than have it be under the control of a bank.

Larry Haugen, 16 West 600 North, said his major concern is the vulnerability of Lot #15. He said the mud slide in 1983 took a large piece of property through 500 North, and he is concerned about flood control. He believes the road is too narrow for this number of homes. He said Lagoon is not easy to work with, and he requested that the developers grant access to Brent Stephens' property.

Brent Stephens, 515 North Main, said he has attempted to contact DAI, but they have not responded. He would appreciate having access to his back yard. He also expressed concern regarding the fence. The former property owner, Brad Palmer, allowed him access to his back yard.

Tyler Servoss, 470 North Main, said he is opposed to the 28-unit proposal and believes there will be a significant increase in traffic.

Stephanie Servoss, 470 North Main, said she has six young children. She cannot pull out of her driveway onto Main Street without having someone to stop traffic. She said she strongly objects to the nine additional units.

Jim Taylor, 83 East 600 North, has been a resident in Farmington for 65 years. He said he approved of the original proposal, but this request for more density is exactly what the neighbors fought against, and he is against the proposal.

Claudette Evans, 18 East 600 North, said she and her 90-year-old mother, who lives at 34 East 600 North, approved the original plan, but they are both against this proposal.

John Wilcox, Wilcox Construction Company, spoke in favor of the development. He said he has built some of the nicest homes in Farmington City, and he is anxious to build more. He builds mostly high-end, custom homes and believes this would be a quality development.

Lynn Draper, 547 North Main, said she was in favor of the original concept but does not support this new proposal. She asked what the cost of the homes would be, how much space there would be between the homes, and if there would be a perimeter fence.

Public Hearing Closed

The public hearing was closed at 8:10 p.m. There was a lengthy discussion regarding most of the items presented by **Spencer White** and the following additional items:

- Traffic study results
- Location of the gate and fencing
- Cost of homes between \$500,000-\$700,000
- Space between homes
- Additional parking per unit
- Noise from Lagoon
- Accommodating emergency vehicles and overall safety
- Open space elements: buffers, preservation of main street view, trails, etc.

Mr. Symes confirmed that DAI has met all of the existing codes. **Chairman Bilton** asked if they had been able to have any meetings with the residents. **Nate Shipp** said they had met several times with **Tom Owens** and **Joe Judd**, and they would be happy to meet with any other residents to hear their concerns. He has tried for two years to obtain financing for the project but has been unsuccessful. The reality is that this is a high-quality proposal, and it is within the legal zoning ordinance.

The Planning Commission advised the developers and neighbors to conduct some additional meetings and try to reach a compromise.

Motion

Rick Draper made a motion that the Planning Commission table the request for Preliminary and Final PUD Master Plan and Final Plat approval for The Grove PUD to allow staff and the applicant to provide necessary information as requested by the Commission and to allow the developer time to meet with residents who desire to express their opinions. **Steve Andersen** seconded the motion, and it was unanimously approved.

Chairman Bilton called for a brief recess at 8:45 p.m., and the meeting reconvened at 8:50 p.m.

Farmington City – (Public Hearing) – Applicant is requesting approval of a site plan for the proposed City Hall facility to be located at approximately 160 South Main Street (C-3-09). (Agenda Item #4)

Background Information

Glenn Symes displayed the elevations of the proposed City Hall and said architects from EDA were present to discuss the proposal.

Scott Later, of EDA Architects, 111 East Broadway, Suite 200, Salt Lake City, said the project has not made significant changes since the conditional use permit was granted. He said the intent of the new complex is to have a master plan for the City's buildings. There will be a cluster of four buildings, and the major materials used on the buildings will be brick, Hardi Plank and asphalt shingles. Farmington stone is more difficult to obtain but will be used as an accent feature on the outside of the building.

Public Hearing Opened

The public hearing was opened at 8:55 p.m.

Justin Sollami, 68 South 100 West, Apt. #9, said he was representing his mother who lives at 12 West 200 South. He pointed out the portion of property that was sold to the City, and he asked several questions:

1. What type of fencing will be used?
2. How many additional parking spaces will be installed?
3. What type of lighting will be used?
4. Will the existing trees stay?

Mr. Petersen said the fence would be a 6-foot privacy fence (chain link with slats). The required parking was 66 spaces, but there would be many shared parking spaces. The lighting would be angled so that there would be the least impact to the neighbors. The City plans to keep as many trees as possible.

Mr. Sollami responded and said they would like the City to choose a different type of fencing material. They do not want a chain link fence and suggested a concrete, decorative fence which would help protect the privacy of the adjacent homeowners. He also asked the City to plant additional trees.

Caralee Sollami, 12 West 200 South, said the area often has 65 mph winds, and a chain link fence would not be a wise choice.

Public Hearing Closed

The public hearing was closed at 9:05 p.m. The Commission briefly discussed some of the issues brought up by the public. **David Petersen** said they have analyzed each of the four elements: the school building, the pool, the community center, and the proposed city building, and they believe the parking will be sufficient. He said they could possibly move the dumpster, but because of the cost, they could not install a different fence.

Scott Later said they are fully aware of traffic and sound matters and have worked hard to address these issues. They plan to have additional trees along the side of the property, and the existing oak and chestnut trees will be maintained. They will also plant additional bushes and plants.

The Commission agreed with **Ms. Sollami** that a chain link fence was not sufficient and urged staff and the architects to discuss the possibility of installing a higher quality fence.

Motion

Michael Wagstaff made a motion that the Planning Commission approve the site plan for the placement of a City Hall facility on property located at approximately 166 South Main Street with the following conditions:

1. Staff will study the possibility of installing a fence other than chain link.
2. The dumpster will be moved to a different location.
3. Efforts will be made to reduce both noise and lighting from adjacent amenities

Steve Andersen seconded the motion, and it was unanimously approved.

Findings for Approval

1. The site plan is consistent with all requirements of the underlying zone in which it is placed.
2. The proposed site plan has met all conditions of the conditional use permit.

Brian Lifferth – Applicant is requesting approval for the placement of an accessory building in a side yard on property located at 2006 Millsboro Court (M-9-09). (Agenda Item #5)

Glenn Symes informed the Commission that the applicant, **Brian Lifferth**, changed the location of this accessory building and no longer requires approval from the Planning Commission.

Young Electric Sign Co. (YESCO) – (Public Hearing) – Applicant is requesting approval of a special exception for the alteration of two existing billboards located on the northwest corner of the Farmington Junior High property located at 150 South 200 West and on property adjacent to I-15 at approximately 350 West 200 South (M-10-09). (Agenda Item #6)

Background Information

David Petersen said all of the applicable information was included in the packet. He gave a brief review of this request for the benefit of concerned residents and said that Yesco is asking for approval to raise the height of two billboards. Billboard 1 is 28½ feet high and is located east of I-15 on the northwest corner of the Farmington Jr. High property, and Yesco's request is to raise it to 70 feet. Billboard 2 is located east of I-15 and is 26 feet high. It is located less than 1000 feet south of Billboard 1, and Yesco's request is to raise it to 50 feet. They are both located in the LR (Large Residential) zone. **Mr. Petersen** presented pictures and facts to address some of the issues in the letter received from Yesco.

Michael Wardle, Associate General Counsel for Yesco, said his company has been part of Utah communities since 1920 and will be around for many more years. He said they appreciate the opportunity to work with cities regarding billboards. He said there are two provisions by state law which allow a billboard owner to raise an obstructed sign:

1. Title 72 (Outdoor Advertising Act) states that if vegetation is located on state property, the adjacent property owner or billboard owner can request that it be trimmed.
2. Section 513 of the Municipal Code (as amended by the 2009 legislative session) deals with sign height in the state of Utah.

He said vegetation is currently obstructing both signs, and the obstructions diminish the rates Yesco can charge for advertising. He stressed the importance of raising the signs. He presented facts from Yesco's point of view. The Planning Commission questioned some of Yesco's facts, including:

- The bridge at W. State Street and I-15 was not expanded by UDOT and therefore may not constitute an obstruction under Section 72-7-510.5 of the state code. Also, Yesco reported that the signs were installed in 1991 and some thought the signs were installed earlier than that date.
- Staff believes the Exit Sign is not an obstruction because it is not located in the visibility area.
- Yesco states that Billboard 2 is blocked from northbound I-15 traffic by the Wide Load Sign, but staff believes this sign may also be out of the visibility area.
- The City obtained Scenic Byway status in 2002 and is subject to the view shed corridor requirements of the state.

When questioned by the Commission regarding these issues, **Mr. Wardle** said he had not prepared the packet and could not discuss additional issues. He did not give satisfactory answers to the questions. **Mr. Wardle** stated that Yesco has been working on these applications since September of 2007, and the City has not cooperated. However, **Mr. Petersen** pointed out that Yesco submitted an application in August of 2007, and staff asked for additional information, but they did not hear from Yesco for another year.

Public Hearing Opened

Chairman Bilton opened the public hearing at 10:00 p.m.

Ralph Wright, 835 East 700 South, Bountiful, owns the property where the southerly billboard is located. He asked the City if it was their desire to leave the sign where it is currently located, or if they want it moved. He also expressed his desire that the Commission and **Mr. Wardle** reach a compromise.

Mrs. Bennett said her son will cut the apple tree down.

Public Hearing Closed

The public hearing was closed at 10:02 p.m.

There was more discussion between Commission members and **Mr. Wardle**, but attempts to reach a compromise failed.

Motion

Craig Kartchner made a motion that the meeting continue past 10:00 p.m. **Rick Draper** seconded the motion, and it was unanimously approved.

Closed Session

At 10:04 p.m. **Steve Andersen** made a motion that the Planning Commission move into a closed session to discuss potential litigation. **Michael Wagstaff** seconded the motion, and it was unanimously approved. The closed session continued until 10:26 p.m. when **Michael Wagstaff** made a motion to end the session. **Randy Hillier** seconded the motion, and it was unanimously approved.

Motion

Jim Young made a motion that the Planning Commission table the final decision until the next Planning Commission meeting on Thursday, August 27, 2009 to allow City Attorney **Todd Godfrey** to address the issues discussed in the closed session and make clarifications regarding:

1. UDOT's policy for vegetation on state land
2. Viewshed corridor requirements under Scenic Byway status
3. Obstructions (Title 72 versus Title 513), which also include vegetation

Steve Andersen seconded the motion, and it was unanimously approved.

Miscellaneous, correspondence, etc. – (Agenda Item #7)

David Petersen distributed a flyer inviting City employees to the annual appreciation dinner held at the Farmington City Pool.

ADJOURNMENT

Motion

Michael Wagstaff made a motion to adjourn the meeting. **Rick Draper** seconded the motion, and it was unanimously approved. The meeting adjourned at 10:30 p.m.

John Bilton, Chairman
Farmington City Planning Commission